

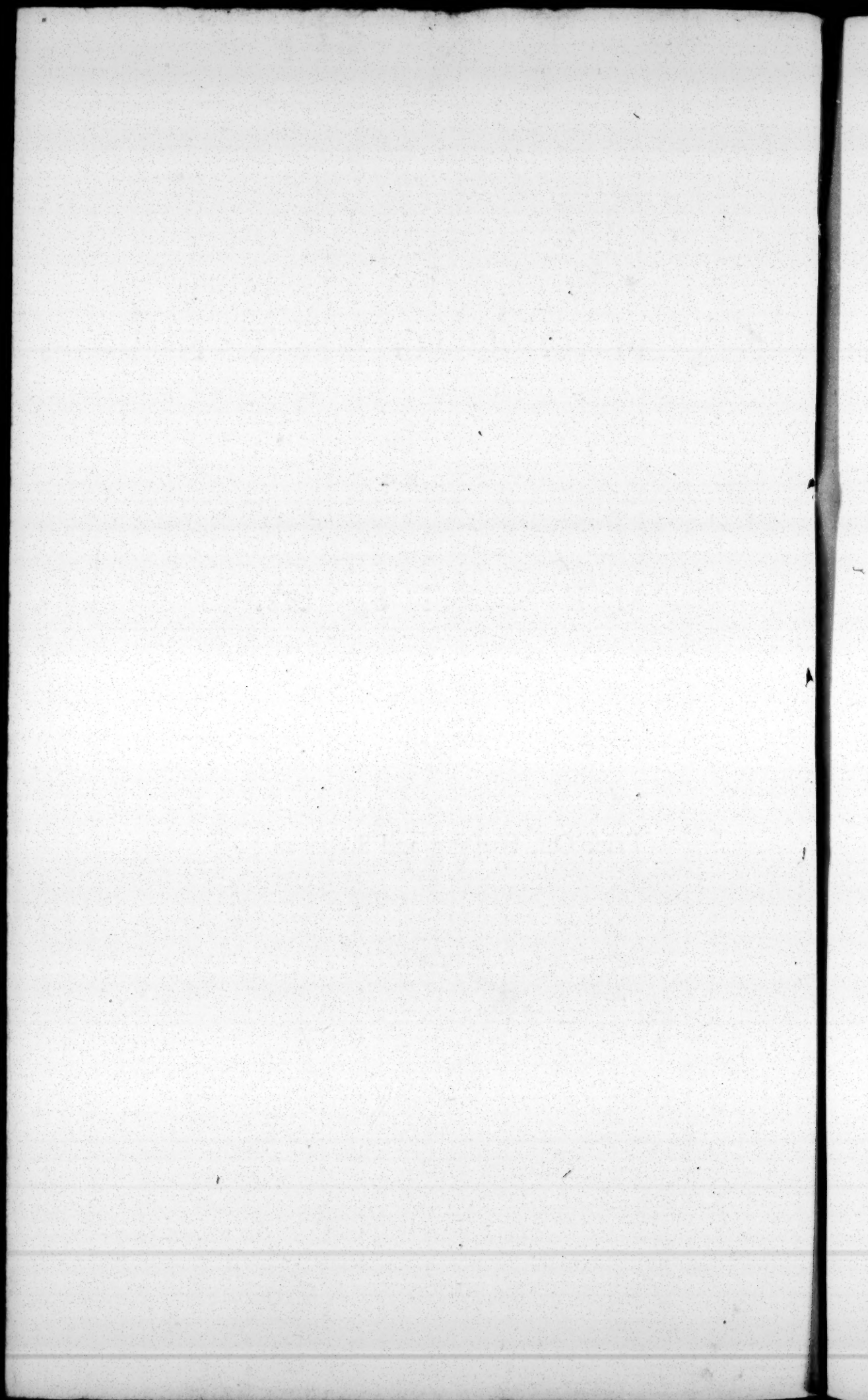
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THOUGHTS

ON THE

MERITS, &c.

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T H O U G H T S

O N T H E

M E R I T S

O F T H E

Westminster Scrutiny,

A N D T H E

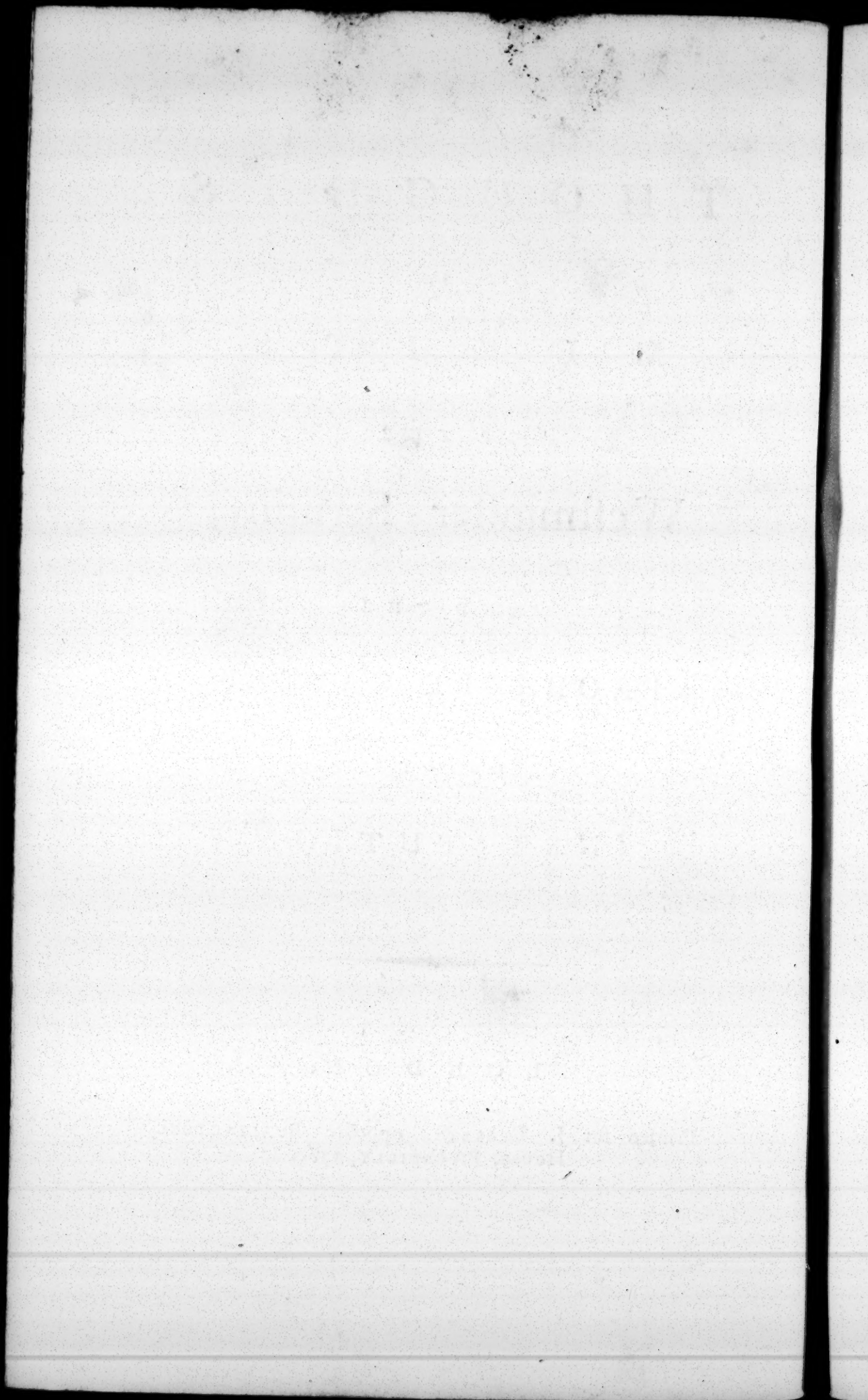
P R O B A B L E C A U S E S

O F I T S

I N S T I T U T I O N .

L O N D O N :

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Westminster Scrutiny.

FOR some time past the Westminster Scrutiny has engrossed a considerable share of public attention. It is a subject of serious magnitude and has long deserved our nicest enquires. Nor can there be a fitter moment than the present for a sober discussion of its merits; when the House of Commons, by ordering the return, have reduced the question to a simple ground in which party can have no view, because it can reap no advantage. The establishment of a court which affects to proceed upon legal principles, and to be governed by legal precedents, assuming all the solemnities which belong to courts of law, and undertaking to distribute equal and exact justice,—without pretending to possess any one requisite of a Court, or any one power necessary to

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the enforcement of justice, and every hour of whose own existence has been deemed a violation of all law ; seems, at first sight, a phenomenon which in any system must attract the notice and excite the apprehensions of mankind. Reflecting men will discover in such a Court, (if it deserve the name) principles which must counteract its own energy in every instance, and lead to the destruction of that object, which it endeavours to save. The general class of life will be disgusted with the mock representation of those sacred institutions which they have been accustomed to venerate and obey. We who know with how much difficulty the most undisputed ordinances are complied with, cannot be surprised at an universal reluctance to admit the exercise of a questioned authority. Could this Court have been endowed with the highest privileges, and with a strength equal to the vastness of its intents, still, in such a country as our's, the same obstacles would impede its progress as long as the same objections remained to the legality of its appointment. But it is surrounded with every thing that can render its progress ineffectual, at the same time that our oldest customs, and the whole of our written laws, rise up in arms to oppose its existence.

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In effect, this curious Court of the High Bailiff had not long exercised its assumed functions before it became odious to all parties. Men the most opposite in politics, the most discordant in principles, united in condemning the Westminster Scrutiny: and the present sessions commenced with every possible inducement to relinquish it.

That extraordinary ferment which had agitated and convulsed every corner of our island, and disposed its inhabitants to swallow the wildest fables, and the most extravagant lies that busy malignity could invent against a late Minister, was beginning to subside: certainly the time was arrived beyond which the wretched fabrications of imposture, were never fated to exist. In spite of those artifices, which had been played off with such uncommon success against him, the world began to see that there were others, from whom infinitely more serious mischiefs than the revocation of a trust from a company of merchants who had abused it, might with reason be dreaded. Those in humbler situations, among whom the late clamour had been more industriously fomented, who believed, as seriously as they were capable of believing any thing, that Mr. Fox had carried his presumptuous views, even to the throne of these kingdoms, and who were taught
that

that no punishment could be equal to his crimes, when the hour of sober sense returned, could see no reason upon earth, why, if the laws were strained until they burst for the sole purpose of oppressing him, *he* might not be as much an object of injury as any one else. Mr. Pitt's graver connections, who had all along dissuaded him from meddling in a business so delicate, if he considered his own situation, and so infamous in all other respects, now conjured him with one voice to desist: the associates of his convivial hours divided against him in Parliament: they who felt for the dignity of government, urged him to abandon a measure so little profitable to his friends, and so disgraceful to his administration: they who had distinguished themselves by a boundless vehemence for his cause out of doors, and who believed themselves the chief instruments of his elevation, sincerely lamented what they could not but acknowledge; that the very first act of his ministerial power had been the establishment of a principle calculated to destroy the importance alike of the constituent and representative body. Even the few whom nothing could entirely convince of the fallacy of those pretences upon which the Scrutiny was granted, soon discovered, in the miserable incompetency of the
Court

Court for any one purpose of substantial justice, a sufficient reason to call for its immediate dissolution. Others, and they were not a small number, who had watched the behaviour of parties with a jealous eye, thought they could discern in the expulsion of a gentleman who had acted as counsel to the High Bailiff, during the course of seven months with the tenderest honour, (an expulsion contrived at the most critical of all junctures, and apparently for no other reason than because he *had* acted with the tenderest honour) strong traces of that CLOVEN FOOT, which had shewn itself more or less from the commencement of all the measures which had been taken to manoeuvre a return for Westminster.

As to *Mr. Pitt*, it was by no means difficult for him to manage a safe, if not an honourable retreat. He might easily have trodden back those fatal steps which had led him into a wilderness of errors, and have regained that beaten path from which there had been no rational temptation to depart. The grounds upon which the returning officer had, at the bar of the House of Commons, justified his conduct in disobeying the exigency of the writ in June eighty-four, if ever they did exist, now existed no longer; as the same High Bailiff acknowledged in the same place in
February

February eighty-five. His conscience was satisfied to make a return provided the House of Commons, under whose order he conceived himself to be acting, would allow him; and the country might easily have been induced, by a compliance with their present wishes, to overlook that arbitrary step, and violent stretch of power by which the scrutiny was first authorised to proceed. With the prevalence of impressions favourable to the Minister's virtues and of interest pretty general for his success, the first orders issued to the High Bailiff would have been examined without any of that scrupulous and rough adherence to the exactness of the laws, that jealous predilection for old precedents and immemorial habits, that intolerant zeal and bigotted enthusiasm for what are the supposed first principles of our constitution to which the measures of common men are usually obnoxious. The people were in too good an humour with their new favourite to narrow the limits of their affections, and would have made good-natured allowances for the flights of youthful ardour, flushed with victory, and animated to revenge by a sense of recent defeats.

Thus circumstanced, a manly avowal that he had been deceived, would neither have hurt his credit with the nation, nor derogated from his individual dignity. Under
what

what influence he was induced to persist in it without even the shallow pretence of the Bailiff's conscience to justify, and without any colourable motive to urge him, is become a subject of melancholy speculation no less than of severe, of just, and of universal complaint. Full of enormities as this measure must appear to all who examine it, and seeming as it is with the most extensive mischiefs to our constitution, I think I know the English people well enough to persuade myself, that had it been wisely abandoned at the beginning of the present sessions, and if nothing should happen in future to awaken a remembrance of the fact, the principle, dangerous as it is acknowledged, would have slept for ever in their breasts. The case however is different. The scrutiny was ordered to continue. The Minister's obstinacy has given an edge to our disappointments, and sharpened them in proportion to the reasonableness of our hopes. We see to what lengths men will go when uncontrouled authority is put into their hands. We see the little respect that is paid, when certain feelings are to be gratified, to laws the most sacred and beneficial. It is a sorry reflection, that one hour of indulgence to the most contemptible of our passions is enough to overturn the salutary establishments of ages: that private
dislike

dislike and personal jealousies may shake the whole body of statute law, which the wisdom of our ancestors has been gradually compiling from the first foundation of our empire until this hour! Such however is our prospect. The party which was devoted to this heavy persecution can no more confine the evil to themselves, than they who are the authors of it, can prescribe limits to its operation. Those gentlemen in the House of Commons who boast their independence, (and of whom it cannot be esteemed a bad compliment, to think that one day or other they may be disposed to abate the violence of their present dislike to Whig doctrines) feel themselves no more secure from its dangers, than the most thorough bred Whig that ever rendered himself obnoxious by an unremitting opposition to Court intrigues. In short, no man can tell how soon the case of Westminster may be his own.

I am no lawyer, nor pretend to more knowledge upon this subject, than I have been enabled to pick up by resorting to a few plain principles, which seem to pervade the whole mass of our constitution, and examining the nature of the question by the test of those principles. But I am apt to think that a moderate share of common household sense, if accompanied with a little common honesty, are quite sufficient

sufficient to put a man faithfully into the way of forming his opinion, upon a case that lies within so narrow a compass. The mere *dictum* of great lawyers should never persuade us to resign those fixed ideas of our constitution which every person who has been decently educated has it in his power to attain:—however, there is no reason why we should despise their assistance in any case; much less in the present, in which it is voluntary and universal. A warm and general opposition among the gentlemen of the Bar to the new doctrine of the House of Commons, is no equivocal sign of its folly and injustice. Some argument perhaps may fairly be drawn from the conduct of those, who feel it incumbent upon themselves indiscriminately to support all the measures of administration. His Majesty's Attorney General is silent: His Majesty's Solicitor General reprobates it in private. Even Mr. Bearcroft avoids the point and keeps his bretheren in countenance only by voting with them. The present Lord Advocate for Scotland, (who in his argument last year, totally forgot Lord Hood, and was clamorous for a new writ) is no *very* powerful authority. The opinion of the late Lord Advotate, is much upon a level with his character. The whole weight of this battle rests therefore upon Sir Lloyd Kenyon:—a gentleman whose

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tendernefs upon *all* constitutional points, and *whatever* regards the public liberty, more efpecially for the Rights of Juries, and the freedom of the Prefs, will be remembered with gratitude by this country, as long as the events of Shrewsbury and Wrexham are acknowledged to form the chief glories in the hiftory of Buller and himfelf.

SIR LLOYD KENYON is no lefs renowned for his extenfive knowledge of the laws, than for the exemplary government of his temper. Nature has made him fo proudly fuperior to that fpecies of little malevolence which betrays difappointment without obtaining revenge or accomplifhing any of its honourable purpofes, that he never riles to fpeak in the Houfe of Commons without contriving in fome fhape or other to remind Mr. Fox and Lord North of every circumftance the moft conciliatory, and every expreffion the moft amicable which he remembers to have paffed between them, during a long and vigorous oppofition to each other upon the great national queftion of the American War. It was not long ago that he condefcended to remind that Houfe of a circumftance which of itfelf were fufficient to have explained all doubts of the legality of his favourite meafure, and of courfe, to have fpared all the acrimony which the difcuffion of it has produced. He urged to
them

them—with that solemn and definitive air which so important a piece of intelligence deserved, with that dignified complacency which bespeaks the good man, the sound lawyer, and the grave judge, and with that decency which ought ever to govern parliamentary differences—“ How little becoming it was in Mr. Fox to complain that the Electors of *Westminster* were unrepresented, since the Electors of *Midhurst* were precisely in the same predicament when He was first chosen into that assembly !” * His laudable vehemence upon this subject is, therefore, by no means imputable to those low passions and gloomy resentments which have governed the votes of other men. These are feelings which cannot have obscured that perspicuous and penetrating sagacity which proclaims him the first lawyer, the purest judge, and the most enlightened politician of his age ; nor have tempted him to indulge that tyrannous hate and rankling antipathy which distorts the judgment, and parches up the senses of those who are unfortunate enough to be its victims. Humanity must rejoice that so conspicuous a character,—a candidate too for the *most* conspicuous situation a subject can enjoy in this country,—is not obliged to choose between these wretched

* When Mr. Fox was chosen for Midhurst he was not full one and twenty years of age.

alternatives, but that his whole conduct has at least a negative merit, and cannot be accounted for upon any fixed ideas of common sense, or common virtue whatsoever.

Such are the reasons, and I trust they will be thought sufficient, why personal motives cannot have influenced *his* mind. The good gentleman has none. The freight of his bosom is not of Aspick's tongues. What degree of professional knowledge he has employed in making up his mind to the vindication of the Westminster Scrutiny, the following short enquiry may perhaps enable every man to determine for himself:

THE VILLAINY of returning officers (a set of men whose habits of devotion to power will not I believe be denied by any reference to the High Bailiff of Westminster) has long been a standing subject of complaint. Ever since a seat in Parliament ceased to be a post of hard and dry duty, from which men sought to excuse themselves, (and this we know to have been the fact in ancient days, when there was no money to buy parliaments, and when if there had parliaments were not worth the buying) elections have exhibited scenes of corruption in which returning officers have generally borne an active and decided part. But those were artless times.

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Delicate refinements had not been discovered; and if tricks were played, they were played without disguise. The legislature could not long remain indifferent to so glaring a mischief; nor ignorant that one of its worst evils was the check it would infallibly give to the growing importance of the House of Commons. Nor were they long in applying the best remedies they could think of. Hence that spirit of suspicion, which runs through all our acts of Parliament where the power of returning officers are acknowledged. But our ancestors did not confine themselves to suspicions. A spirit of severe punishment, when returning officers detained their writs *upon any pretence whatsoever*, is visible in the proceedings of every Parliament for three centuries back. There is scarcely a county or populous town in England in whose annals the record of some fine, or imprisonment inflicted upon their sheriffs or mayors, is not to be found. You cannot open the journals without stumbling upon some one of them. In short, what with laws, what with precedents, and above all, what with that wise spirit of distrust which the House of Commons has ever shewn, returning officers, at the choosing of the present Parliament, appeared as closely tied down and hedged in on every side, as the performance of their
duty

duty would admit of. It was thought that they could not stir except within one certain and precise line, until the genius of Thomas Corbett, bursting that ignoble bondage in which Parliament had attempted to confine him, raised himself upon his conscience, and soaring beyond the boldest of his brethern, hid his head in the clouds.

The Act of 23d Henry VI. cap. 14, and of 10 and 11 William III. cap. 7, speak to this point so conclusively, and in such plain terms as almost to supersede the necessity of reasoning upon them. The first of these laws, after reciting the flagitious practices of returning officers *of all descriptions*, directs the sheriff to issue his precept to the mayors, bailiffs, &c. &c. *of cities and boroughs*. It insists that they shall make *a return of persons chosen* under such precept to the sheriff; who *thereupon* is enabled to make *a good and rightful return* of his writ. It further gives the person "*chosen to come to any parliament hereafter to be holden,*" and *not returned*, an action, which he must bring *within three months* after the same *Parliament commences*. Hence it appears evident that the return of the writ, and of the precept issuing from it, must be by one and the same time; that is to say, the meeting of Parliament. Suppose the reverse and observe the monstrous absurdity of this Statute from beginning
to

to end. If it does *not* compel a return *by* the meeting of Parliament, what becomes of the remedy which must be sued for *within* a space of time not exceeding three months *after* the meeting of Parliament? There is a principle of law which says that “no man shall take advantage of his “own wrong.” Shall this act be construed expressly to except returning officers, and to give them a legal power of evading a legal penalty? What *is* the offence?—the not making a return. When must the penalty for that offence be sued for? Within three months after it is committed. When is it committed? common sense would answer—either *at* the meeting of Parliament or not at all.

The Statute of 10 and 11 William III. is, if possible, still more peremptory. It acknowledges that very distinction which was affirmed by Sir Lloyd Kenyon not to exist between writs issued for summoning a Parliament, and writs issued during the sitting of Parliament for the election of new members upon an occasional vacancy: completely separating the grounds upon which the Scrutiny in the time of Trentham and Vandeput, and the Scrutiny of this day, were allowed. It says, “that
 “the sheriff, or other officer having the
 “execution, and return of any such writ
 “which shall be issued for the future,
 “shall,

“ shall, on or before the day that any
 “ future Parliament shall be called to
 “ meet, *and* with all convenient speed, not
 “ exceeding fourteen days after any election
 “ made by virtue of any *new writ*, either
 “ in person or by his deputy, make re-
 “ turn of the same to the Clerk of the
 “ Crown in the High Court of Chancery,
 “ to be by him filed: and the sheriff *or*
 “ *other person* making such return shall
 “ pay to the said Clerk of the Crown
 “ the ancient and lawful fees of four
 “ shillings, and no more for every knight
 “ of a shire, *and two shillings* and no more
 “ for every *Cittizen, Burgefs, &c. &c.*” If,
 after such plain and direct words, and if
 after a law so obvious in its spirit, men
 shall say that the Act of William III.
 relates merely to *Sheriffs*, because in no
 one part of it the letters *B. a. i. l. i. f. f.*
 can be found to follow each other in
 precise order, there is an end of all the
 statute law of this country. Yet the
 miserable quibble was not below even our
 Master of the Rolls;—certainly not un-
 becoming his pretensions to the Chief
 Justiceship of the King’s Bench!

The common law and practice of par-
 liament are equally strong against this
 measure; for so much I believe will be
 allowed me if in the whole course of
 our history, or in the annals of parliamen-
 tary

tary proceedings, no one precedent of a Scrutiny continuing after the return day of the writ, is to be found. The silence of the common law which derives its authority from *continued* practice, and from customs *to the contrary whereof the memory of man runneth not*, as of 37 folio volumes of Journals in which every circumstance relating to Scrutinies and Petitions since the year 1547 is recorded, affords the most indisputable testimony that no such thing ever did exist. The Oxfordshire case is flatly in the teeth of it. The Sheriff of Oxfordshire was in the interest of the loosing candidates; to whom he granted a Scrutiny, which went on with great success on their parts until the day on which the writ was to be returned:—He could not venture upon continuing it an hour longer; but as the last effort of his partiality, returned them all four.

Thus far the law and Sir Lloyd Kenyon appear in opposite extremes. But no man is less easily discomfited. No man is less “crippled in his defence.” Drive him from one ground, and see how quickly he makes his stand upon another. Lop off one of his arguments, and like the heads of the Lernean Hydra, seven more shall sprout instantly from the same trunk. He tells us there is a close analogy be-

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tween

tween the writ of Summons to Parliament, and the common law writs of process which issue from the different Courts of Westminster Hall. But even this shall not avail him. He tells us that *when the sheriff takes goods upon a writ of FIERI FACIAS, and cannot discover the person to whom they belong, he can issue, of his own authority, a writ DE PROPRIETATE PROBANDA, and impanel a jury to try the property.* I remember that the counsel for Mr. Fox at the bar of the House of Commons denied that there was *any such writ* in the case of goods taken on a *fieri facias*: that it was only used in cases of *replevin* and then by authority from the Court. Whether Messrs. Erskine and Pigott were right or wrong in their law, it is not for me to determine;—they are in the judgment of their profession. Thus much I can venture to say, that they were *not contradicted*, by the counsel for the High Bailiff: nor by any man I have heard converse upon the subject since.

Sir Lloyd Kenyon's second point was, that *where the sheriff had not time to sell the goods, he had authority, after the day on which the writ was returnable, to issue a writ of VENDATIONI EXPONAS, and that this was held a good cause for not making a return.* Every practitioner of eminence in the Courts of Common Law, declares, that in
such

such cases the sheriff is obliged to act by the subsequent authority of the Court, and that returns after the day named in the writ, or *proceedings upon the writ* after that day, are bad, and a constant ground of *attachment against the sheriff*. All the analogies, cited by the Master of the Rolls, were to *writs of execution*; the return of which must be moved for by the parties when not executed, but which, in no instance, are returnable of necessity.

But at all events, the writ must be returned into the Court from whence it issued. No other Court, for instance, can grant an authority to complete the process of the Court of King's Bench. Apply this reasoning to the present case. The *House of Commons* revive on the eight of June, a writ which issued from the *Court of Chancery*, and expired on the 18th of May!

After such a mass of authorities, I should be glad to know whether there lives a man in this or any other country with *face* enough to assert, that our ancestors, jealous as they are allowed to have been of the encroachments of returning officers, fresh instances of whose profligacy were immediately before their eyes, in the act of framing a law to bind and fetter them as much as possible, not only should establish a mean by which this law would be evaded, but the absolute, uncontrouled power of
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of manufacturing parliaments be thrown into the hands of these very returning officers? This were giving them credit for a species of idiotism (or something worse) due to the inventive talents of modern law makers; who, ingenious in their absurdity,—admit ALL the reasoning *ab inconvenienti* against this measure, acknowledging, promising to reform, and absolutely creating the mischief in the same breath.

To dismiss the question. If the scrutiny were legal, why did the House of Commons put an end to it? Or how is it possible that they could have been involved in a dilemma so singularly ridiculous as they were when the Clerk of the Crown asked the Speaker what he should do with a return which he had received from the High Bailiff of Westminster? The act of Henry VI. directs the return to be made *by indentures between the sheriff and his mayor or bailiff*. The return for Westminster is neither made by indenture, nor is the sheriff a party to it. Besides which, it bears date as of the day on which the scrutiny was finished, and not the day on which the poll was closed. Thus a violation of the law in the first instance, for the purposes of injustice, has produced a second violation of them, in order to administer redress.

HAVING

HAVING STATED the legal merits of the late Scrutiny in as correct and concise a manner as it was possible, I shall beg leave to call the readers attention to that surest of all *criteria*, that standard, and only basis of all human institutions whether of law polity, or ethics,—the *common sense* of the thing itself. And here I shall hazard an assertion founded upon the strongest of all tests—*Experience*. With fact and experience on my side I feel no difficulty in asserting, as widely as the most watchful word-catcher shall choose to take it, that the Court, its jurisdiction, its forms, its officers and its authority form together a groupe of the grossest follies that ever disgraced the resemblance of Justice.

Figure to yourselves a man sitting in solemn judgment upon those rights which form the essence and value of a constitution universally allowed to be the most perfect that we know of, for the sole purpose of satisfying himself! Imagine a court, in which the distribution of justice to the parties, instead of being as in other courts, the end of their institution, is merely a collateral object! These points I know have been frequently confounded; but whoever considers the *only* ground upon which the House of Commons sanctioned this measure originally,—namely—the returning officer's oath to return those

those who *should appear to him* elected by a majority of *legal* votes, will draw a clear and distinct line between the ends for which our courts of law are suffered to exist, and that for which the High Bailiff was erected; that is to say, *the revision of his own judgments.*

But supposing its end to be the distribution of justice to the candidates (for I cannot correctly call them the parties in this cause, the High Bailiff being in fact, the only party as well as the only judge) in a summary and expeditious manner. Courts of this nature, which always have a strong tincture of arbitrary principles in them, have at the same time, the advantage of a stronger process than ordinary courts of law. The unfortunate High Bailiff of Westminster can neither summon a witness, nor administer an oath, compel the production of papers, take cognizance of contempts, prejuries, or any other offence whatever, nor keep the peace, or protect his person from insult, sitting even upon his own bench. Here again we are met by Sir Lloyd Kenyon, who stakes his professional character upon his statement of the intrinsic powers of the High Bailiff. "He has been all "along in the dark" says this candidate for the succession to Lord Mansfield. "Let him issue his summons for the "attendance

“ attendance of witnesses ; and if any one
 “ shall dare to disobey it, this Honour-
 “ able House will punish him.” After
 so decisive an intimation, the High Bai-
 liff, on a motion from Mr. Philipps, does
 actually issue his summons to a witness,
 the next day. Attend to the curious dif-
 ference of opinion which seems to sub-
 sist between that great law officer, and
 one of the overseers of St. Martin’s work-
 house, who happened to be the first sub-
 ject upon whom the experiment was tried,
 —“ *tell the High Bailiff.*”—said this imp
 of sedition, “ *that he, and his Scrutiny,*
 “ *and his House of Commons, may go to*
 “ *the D—l, and be d-m-d!!*” Mr. Thomas
 Corbett is asked, whether he means to
 complain of so outrageous an insult to
 his dignity? “ No” says he, “ by no
 “ means :” with the pen in his hand ready
 to sign as many more summons as the
 gentlemen on each side shall require, and
 with a Christian meekness in his face,
 equally divided between impotence and
 good nature.

But let us suppose the first difficulties to
 be settled : and that partly by intimidation,
 partly by milder means, the witness appears
 in the vestry-room. The case in which
 he is to give evidence is not immediately
 before the court. The witness begins to
 grumble sadly about his loss of time, and
 to

to insinuate hints of his importance. Presently he declares that his dinner is waiting for him and that he would not loose a comfortable meal for all the scrutinies in the world. At last Mr. Rous gets up to speak; the witness flies instantly to his hat with a vast deal of indignation, and declaring that he has been made a fool of, rushes out of the vestry-room resolving in spite of all the High-Bailiff's menaces, never more to shew his face in it.

Grant, however that you have brought him back, and at last have incontestibly fixed him at the bar of the court. Are you advanced an inch farther? How will you make him answer? Mr. Thomas Corbett tenders him an oath: the witness throws it in his face. Mr. Thomas Corbet asks him a question: the witness does not care to enter into explanations and becomes as mute as a post. Mr. Thomas Corbett begins to threaten: the witness assures him that "he neither cares a d— for him, nor " his counsel, nor the candidates, nor all " the beings in the room put together." This had been the result of proceeding with a scrutiny under *Sir Lloyd Kenyon's* plan. Fresh applications to the House of Commons and fresh efforts of imbecillity following each other in melancholy progression, untill the country should recover from the ridicule of the scene, and interpose
that

that strong arm which no minister has hitherto been either weak, or daring enough to resist.

Contempt must inevitably be the fate of a tribunal neither established upon opinion nor acknowledged by the laws. Its impotence follows of course. The court of the High-Bailiff is perhaps of all others the most preposterous. It is not merely foreign to our English laws; it were a monster in any system of jurisprudence under heaven. That the reader may be enabled to form some tolerable notion of its principles, I have selected the following case, determined upon the late scrutiny, of the truth of which he may easily inform himself if he thinks it worth his while.

CASE of THOMAS DIXON.

Dixon was in possession of two houses, the one situated in St. Anne's, the other in St. Martin's parish. On the 4th of April, he polled for Sr. Cecil Wray, in right of his house in the last of these parishes. On the 24th of the same month, he polled for Mr. Fox in right of the house he occupied in St. Anne's. The scrutiny beginning in St. Anne's, the counsel for Lord Hood and Sir C. Wray objected to the vote given on the 24th of April, as an illegal vote, Dixon having polled before, namely on the 4th day of the election.

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tion.

ction. They called a witness and asked him the following question, "*Did you see Dixon poll on the 4th of April*". The counsel for Mr. Fox objected to this question. On the 24th of April Dixon had taken that oath which is administered to the electors, the concluding part of which is as follows,—“and that I have not before been polled at this election so help me God.” The evidence attempted to be introduced, that he had polled on the 4th of April, was not upon oath, the court not having power to administer any, and therefore inadmissible against the oath taken by the voter on the 24th of April, viz, *that he had not before been polled at this election.*—The objection succeeded, and the vote was allowed.

The scrutiny proceeding into the parish of St. Martin's, Mr. Fox's counsel, with a view to shew what expectations of justice might reasonably be entertained from so *perfect* a judicature, objected to the vote of Dixon, given on the 4th of April for Sir Cecil Wray, as a fictitious and fabricated vote, no such man as *Thomas Dixon, an householder, polling on that day*, being in existence. The best evidence which could be offered in defence of this vote, was that which was before attempted by the gentlemen on the other side, namely, the evidence of a man who knew Dixon intimately,

intimately, and who saw him poll on the 4th of April. But on the same principle which prevailed in the first objection, this evidence was again deemed inadmissible; and no proof *competent for the court to receive*, having been adduced that such a man as Dixon *did* poll on the *fourth* of April, the court were obliged to presume, in consequence of the oath he took on the *twenty-fourth*, that he had been personated, and accordingly,—*disallowed the vote!!!*

It is a fact acknowledged by all parties, that this voter polled twice. An ignorant man in possession of two houses, might very innocently have done so. His *good* vote is now struck off, and his *bad* one remains upon the poll.—A standing monument of that inefficacy which has more than once reduced the High-Bailiff and those who persuaded him to attempt a scrutiny, to dilemmas the most lamentable and ridiculous.

I do not think it the least necessary to vindicate the gentlemen who were concerned for Mr. Fox upon this occasion, from that load of calumny which attributed to them a design of rendering the scrutiny ineffectual; language naturally enough to be expected from a disappointed party: but appeal to the readers good sense whether he thinks that human wisdom could have

supplied the defects of such a court as I have been just describing? Let the spirit of accomodation between the parties have been what it might, it could not in the nature of things have been sufficient to obviate those objections which, strong as they were against the forms and proceedings of the court, were infinitely stronger against its essence and foundation.

It is impossible not to mention the monstrous expences which attended the late scrutiny. I mean principally on the side of those who were in general esteemed the favourites of government, and to have received all the support which could be decently given them from that quarter. Ten guineas a day, paid to the High Bailiff's counsel, *by their committee*: ten guineas a day, to Mr. Rous, and ten guineas a day to Mr. Morgan their own counsel: two hundred guineas per week drawn out of the hands of Messrs Drummond for other and unknown expences, and no fund existing which can reasonably be supposed equal to support this profusion, is a consideration which may extend far beyond those who were the immediate distributors of so vast a sum. (It has been suggested I know, that a little while after the scrutiny began, a strange and unprecedented *spirit of subscription* seized upon most of our officers of state, and that the ardour of appropriating a certain
share

share of their salaries towards the payment of its expences, which it is said ran through the whole corps from the highest to the lowest, cannot be expressed. This were a splendid instance of patriotism indeed! upon mature thought, I take *the fact* to be probable enough.) Small as was the proportion of expence incurred by Mr. Fox and his friends, still it was severe: infinitely more severe to them when we consider the difference of situations, than the most boundless extravagance would have been to their opponents. No man of sense will tell me that *the electors of Westminster in the interest of Sir Cecil Wray* supported the scrutiny for nine months by voluntary contributions among themselves. What part, or whether any part of it was borne by our present wise and virtuous government, their conduct throughout the whole affair, the style and language of their connexions in parliament, and the arrogant ostentation of every miserable clerk and understrapper employed in the concerns of the scrutiny will assist us in deciding for ourselves. Signs and tokens escape from men without their immediately perceiving it, which betray facts and explain doubts as clearly as if a direct confession was to drop from their lips. When those who are nearer the public coffers shall reproach others with their poverty;

poverty; when every pert prater of the day whose head is become giddy with success equally unexpected and undeserved shall think it meritorious to employ talents which were intended by nature for better purposes, in a poor and spiteful insolence towards men upon whom the blessings of affluence do not wait, to laugh at the most infamous oppression in the very moment he is inflicting it, and to ridicule the sufferings which his prostituted vote has helped to occasion, especially if *his own* situation be such as entitles *him* to that pity in effect, which he bestows rather by way of sarcasm upon others*, time, and circumstances considered, there will be little difficulty in conjecturing how far it has pleased the higher powers with which he is immediately connected to interfere in other respects. The consideration then becomes truly alarming. If one shilling of *the public money* has been applied to the payment of expences incurred by a favourite candidate; if the administration of this country, instead of endeavouring *to infuse a new portion of vigour into the decayed sinews of our constitution*, and by an honest system of œconomy, to recover its credit, and improve its revenue, have been rob-

* Vide a celebrated speech of George Harding Esq, reported with a very suspicious accuracy in most of the morning papers of February the eleventh.

bing its citizens of their birth-rights, and picking their pockets at the same time, it behoves us speedily to resolve, whether, with safety to that dear charge of which we are but trustees for our children, we can suffer men, who are capable of such an act of treason to the state, to remain another instant in situations which command the sources of all our miseries, as well as all our blessings; and whence whether the one or the other shall flow, must depend entirely upon the heads and hearts of those who govern us.

ENOUGH, and perhaps more than enough, has been stated to prove the illegality of this measure *ab origine*, as well as its incompetency to the objects of investigation. It remains to make a few observations upon the conduct of the House of Commons.

The resolution of the 8th of June, 1784, is as follows :

“ Ordered,

“ That the High Bailiff of Westminster
“ do proceed in the scrutiny for the said
“ city, with all practicable dispatch.”

Let it be remembered that the *sole* pretence for this proceeding was *the oath of the returning officer*. So important a national concern as the conscience of Thomas Corbett was more than equal in the minds of its friends to the most positive provisions of the law. Their treatment of him by
this

this resolution is somewhat extraordinary, and I think unkind. Putting their own consistency altogether out of the question, it was not liberal in them to discover such a decided contempt for this conscience, this most precise and delicate of all sublunary things, and to impose such violent restrictions upon that very discretionary power which they had voted to be paramount to the written laws, and the vital principles of the constitution. Under this order of the House of Commons it became impossible for the High Bailiff to conclude the scrutiny, unless by consent of parties. Had he by any means discovered, *during the recess*, that the suggestions concerning false votes, which had induced him, as he alternately asserted and denied, to grant this scrutiny, were frivolous and unfounded, still he could not consistently with his safety (which most likely he would have consulted before his conscience) have put an end to it, without an express order of the House of Commons, or the consent of parties. Thus, from the whim of a returning officer, this measure became a public act of the popular branch of our legislature. But it soon became odious in the sight of men. Its imperfections were too thick upon its head to be concealed, and its injustice too glaring to be countenanced. —*That an end should be put to the Westminster*

minster scrutiny when the Parliament met, was the common expectation of all who had their eyes upon the Ministers, whether friends, foes, or neutrals. Accordingly, on an early day in the session, Mr. Ellis moved for *the return of members.* Attend to their conduct upon this motion. Say they, “ We have got ourselves into a
 “ horrible scrape by this business, and
 “ must persist in it, openly, no longer !
 “ We will shift, therefore, the whole re-
 “ sponsibility from our own shoulders
 “ upon those of Mr. Thomas Corbett, but
 “ assure him at the same time of our pro-
 “ tection, let him act what wicked deed
 “ he may.”—Such is the literal translation of the following resolution passed on the 10th of last February :

“ That the Speaker do acquaint the
 “ High Bailiff,

“ 1st, That he is not precluded by the
 “ resolution of this House, communicated
 “ to him on the 8th of June last, from
 “ making a return whenever he shall be
 “ satisfied in his own judgment that he
 “ can do so.

“ 2. That this House is not satisfied
 “ that the scrutiny has been proceeded on
 F “ as

“ as expeditiously as it might have been ;
 “ that *it is his duty* to adopt and *enforce*
 “ such just and reasonable regulations as
 “ *shall appear to him* most likely to pre-
 “ vent unnecessary delay in future ; that
 “ he is not precluded from so doing by the
 “ want of consent of either party, and
 “ that he may be assured of *the support of*
 “ *this House* in the discharge of *his*
 “ *duty.*”

A stronger proof of impotent malice never existed. Every disposition to harass and to vex, every encouragement to it in others certainly not the most likely to neglect the occasion, every sentiment hostile to the dearest privileges of the people, and to the fundamental principles of popular representation, I am bold to say, are united in the foregoing resolves. But we may thank Heaven that there are restraints upon men who are above the restraints of law, of honour, and of justice. “ So far shalt thou go, and no farther,” is the wise ordinance of Providence, and a check even to the pride of Pitt. In spite of all the *dark hints* conveyed to the High Bailiff during the course of his examination, in spite of the new powers arbitrarily vested in him by the resolutions, in spite of the extensive protection and indemnity offered him for every act of violence he
 should

should be disposed to perpetrate, not one of their schemes for expediting the scrutiny, palatable as they might have been on many accounts both to himself and to his friends in administration who suggested them, did he fix upon as the most remotely practicable.

Independent of that assertion *against the evidence* contained in the above-mentioned resolutions, namely, “ that the scrutiny “ had not been proceeded upon as expeditiously as might have been done,”---the interference of parliament in the subordinate regulations of the Court, was to the last degree alarming in its principle. The High Bailiff appeared originally at the bar to know the sense of the House upon a simple abstract question, “ Whether he should make a return to the *præcipe* or not ?” To enquire how he should conduct the scrutiny never entered either his brain, or the brain of any rational being, except Lord Mulgrave, who moved the last instructions to him. This noble Lord, with an ignorance of legal principles which can alone account for the temerity with which he applies certain common legal axioms, hazarding upon all possible occasions the few straggling notions which he has picked up—God knows where—told us, that one of his strongest reasons for not

suffering the merits of the Westminster election to come before a committee under Grenville's bill before they had gone thro' the purgatory of Mr. Corbett's conscience, was, "*that he had ever conceived a cause should be tried in the inferior courts, before it was brought into* A COURT OF APPEAL." Strange as it may seem to professional men, whom accident may bring to a sight of these pages, the Master of the Rolls nodded assent to the proposition, and by his vote that evening acknowledged the right of this *court of appeal*, (as it was foolishly called) to interfere in, and direct the proceedings of its *inferior court*, and even to alter the nature of its process! Language sinks beneath the endeavour to expose such gross nonsense. The Commons adopted it, however; and gallantly confounding all distinctions, united in themselves the capacities of judge, party, witness, counsel, legislator, court of appeal, and court of original jurisdiction.

But let us be tender towards a repentant sinner. Let us cherish returning virtue; let us assist the compunctious visitings of nature wherever we meet with them. Signs of contrition and remorse have appeared in some quarters which may be brought up and matured, if not into the zeal and holy fervour of the true faith, at least into a decent

cent perseverance in those moral duties from which the followers of no religion are excluded. The division which put an end to the scrutiny, was a noble stop to independence. The constitution may still be healed ; but the remedy must be administered by the same hand which inflicted the wound. I do not yet despair of seeing THE FIRST RESOLUTIONS RESCINDED. But until such an event shall happen, we must relax nothing of our exertions. We must accept no compromise. There are men whom an admission of the destructive principle which gave birth to the scrutiny would please infinitely more than even the vexation which accompanied its continuance. The men I speak of ought to be well known to a country smarting at this hour under the calamities they have caused to it. I shall neither make an apology for considering them as the real authors of this measure, nor for declaring without reserve what I conceive to be the real causes of its institution.

IT IS WELL KNOWN that the component parts of the present Administration are held together by no settled connection among themselves, not by any firm system or fixed principles of government whatsoever. Without sufficient weight to support itself, or to carry its measures into execution, it must either crumble to pieces according

According to the common course of things, or summon to its assistance, and be content with the consequences of receiving assistance from, an auxiliary more powerful than itself. The party upon which it is supposed to depend for every hour of its existence, is commonly known by the name of *King's friends*: a set of men formidable even to the object of their dissembled attachment. The ministers of the present day, like all their predecessors who have obtained the dangerous support of this party, are destined to the same services and the same rewards. Perhaps no circumstance could have happened so favourable in every respect for the *King's friends* as a Westminster Scrutiny. The magnitude of its several objects all combining to the utter defeat and extirpation not only of *Whigs* and *Whig* principles, but of all future resistance to their views *on any principle whatsoever*, the extensive havock which such a measure would inevitably spread among the fortunes of those who should endeavour to resist it, and the deadly poison which would be conveyed into the vital *stamina* of the House of Commons, if it should not be resisted, were glorious incitements to the attempt, "come what come might of it." After the intrigues of Lord Lansdown had produced a schism among the Whigs and a serious

desertion

desertion from the first principle, there still adhered to each other a firm compact body which nothing could tempt, nothing could intimidate. Possibly the mischievous wit of man might have devised a scheme to involve this hardy connection in an election contest with the Crown. So much might undoubtedly have been contrived and executed with ease: but the present improvement upon such a plan, outstrips all efforts of human invention. A Westminster Scrutiny of five years after a Westminster Election of forty days, and the prospect of a Westminster petition afterwards, must have been one of those extraordinary hits for which the system is indebted to its kind stars; and to those guardian genii that watch over its safety, and have more than once miraculously interposed for its preservation. Could any thing be so likely to engulph and swallow up the whole property, weight, interest and attention of the Whigs? or to shew these proud opposers of the *King's friends* what they had to expect from the awakened resentment of insulted power?

Such is the view with which I take the Scrutiny to have been chiefly granted. Its collateral advantages were endless. The object which I am about to mention is perhaps sufficient of itself to compensate for all its dangers and all its unpopularity.

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The celebrated case of Middlesex comprised a variety of points all of which in some way or other were of use to the main system. But that which in its probable consequences surpassed them all, was the *rendering parliamentary privilege the certain instrument of its own destruction*. That the House of Commons is the only competent judge of its privileges, is a popular truism, upon which I grant that all its liberty depends; but that it shall exercise an arbitrary power of excluding those who may be obnoxious from their connections to the prevailing politics of the day, is a principle than which the *King's friends* can find nothing so congenial to their views. To quiet those alarms on the expulsion of Mr. Wilkes in 1768, which for aught we know might have ended in some convulsion of the government, Mr. Grenville's bill was passed, and the privilege whether real or assumed of deciding collectively upon the merits of controverted elections abandoned by the House to a Committee of 15 of their own members upon oath. Mark the subtilty of that special return made by the High Bailiff on the 19th of May, and how dexterously he gives the slip to Grenville's bill. Instead of making a return *of members*, or of Lord Hood singly, which without affecting his conscience in the least he might

might have done, he writes a long history of the Westminster election, of which no court can take cognizance except the House of Commons collectively, whose power over returning officers is clear and uncontested. Not being a return *of members*, and therefore, not coming within the letter of Mr. Grenville's bill, the question immediately before the House upon this return, is,—how much longer the High Bailiff shall prevent its coming within Mr. Grenville's bill? The order to proceed with the Scrutiny, acquaints him that he may prevent it as long as he likes. Thus the House of Commons re-assumes in effect, all the powers of creating disqualifications which were supposed to have passed out of it, absolutely, when the new judicature for trying the merits of controverted elections, and false returns, was established. For nine months they excluded the members for Westminster from Parliament, and upon the same principle, might have excluded them for nine years. The old mischief, which instead of being eradicated, appears only to have been kept down by the general influence of Grenville's bill, now springs up with renovated vigour, flourishes at this hour in the rankest luxuriance, and will continue so to

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do in spite of Lord Mahon, who burns to be the modern Grenville that shall remedy this *defect* (as he modestly terms it) in our laws. Lord Mahon has given notice that he means to introduce a bill to render returning officers ministerial and not judicial. Observing only that *such* a bill would entirely deprive returning officers of the power of rejecting bad votes at the time of taking the Poll, and that probably the Noble Lord does not correctly know what he means, still I maintain that the old principle, lies snug all the while, ready for the next case in which it may be as convenient for the servants of the Crown to strain the springs of the Constitution as it was on a late occasion. Admit that by Lord Mahon's bill for regulating the powers of returning officers, the specific power of granting a Scrutiny shall be taken away. I ask whether by analogy to the Westminster case, this principle *that the House of Commons collectively may still in some instances, exercise a power of exclusion* will not operate, independently of any bill to regulate the power of returning officers, until the Scrutiny is acknowledged by an express vote, not to have been law? Conceive the bill in what terms you may, unless you suppose it to comprehend all possible cases, (the genius of its author is certainly equal to the comprehension

prehension of all impossible ones) this question can in no sense be affected by it. At all events it will lie open to construction: and when a party purpose is to be answered, how little fairness can be expected from the construction of majorities in Parliament, the statute of William III. will exemplify.

In the constant behaviour of this Court faction towards all ministers whatever, we may trace another, and no inconsiderable inducement to the Scrutiny. With an extreme aversion to the principles which generally obtain the popular applause, and a fixed determination to shew that such applause is no more an essential of official consequences than a popular choice is the sure road to obtain a seat in Parliament, they make it a point to ruin, in the first instance, the popularity of those who serve them. In the person of the present Minister the opportunity was inviting. Old Pitt with half Europe in his hand, and three monarchs upon their knees to him, was never the tenth part so popular as young Pitt with a few round phrases about Chartered Rights in his mouth, and bending all the while to the basest and most contemptible cabal that ever disgraced the councils or thwarted the energy of a mighty kingdom. No sooner had his faction returned to their old places under

the cover of this popularity, than they renewed their old system of *destroying all support which does not flow immediately from themselves*. There was nothing so prominently captivating in the manners of William Pitt, which should exempt him from the strict duties of his post. That he should be allowed to preserve the public favour by a wise, constitutional, and manly system of policy was a stipulation he had no right to make, considering the means by which he rose; nor likely to be granted him without an equivalent on his side. He held his office upon the same tenure with the Grenvilles, the Grattons and the Shelburnes; nor could he claim a better fate than they had experienced; except, perhaps, a greater pomp and *eclat* in the manner of his sacrifice. In proportion as he was elevated above them by other circumstances to which they had been strangers, he might demand an accession of splendor in the still of his dismissal,

—*Numerosa parabat*
Excelsæ turris tabulata, unde altior esset
Casus, & impulsæ præceps immane ruinæ.

Not that he could plead any of those distinguished services to his country which usually direct the faction in the choice and
degrees

degrees of their resentments. To the fall of the American system, he had contributed but little: to the support of the Whig principle, nothing at all. But the reduction of all public characters to the same level of disgrace, is no less an essential part of the system than the dissolution of those connexions by which men are held together in society, the ties of duty and the obligations of friendship. In the common routine of events Mr. Pitt's hour would have arrived in about a year after the reins of government had been committed to his hands. The duration of a Minister's character (if he is worth one when he first comes into power) under this system, generally depends indeed upon the *common enemy*, and the degree of formidable appearances in the quarter of opposition. If those appearances are alarming, the Minister is suffered to enjoy it a little while longer: if the contrary, they ruin him at their leisure. In the present awkward situation of things, perhaps, they have no reason to shew themselves too bold: but they may think it as well to commit their young disciple upon a point which infects every principle of public virtue he has professed, and is so well calculated to destroy every shred and remnant of his popularity.

Some

Some men are apt to think, that Mr. Pitt is a little brushed by the late divisions in the House of Commons on the questions for putting an end to the scrutiny. Exactly the reverse. It is the clearest token of his strength, and insures him a duration in office equal to the duration of the public discontent, which his conduct in that business has occasioned ; unless something else of an equal importance shall supercede his merits, and render it necessary to dismiss him immediately. Herein consists the dexterity of the *King's friends*. It is generally during the agitation of some great constitutional question, in which they have address enough to engage the Minister of the Crown against the whole body of the English people, that they take an opportunity of shewing him their strength, and recalling those lofty notions of personal importance which the flattering appearances of support and outward shew of authority with which he is deluded, are apt enough to generate in the human breast. A minister of England resisting a majority of the House of Commons is a glorious scene. They indulged us with it during the six latter weeks of the last parliament, and seem determined that it shall not be lost for want of repetition. The grander and the more awful the question, the greater is their triumph, if he be beat upon it: [unless

less in some cases where an *immediate advantage to themselves* will arise from carrying it for him.] The votes on the Westminster scrutiny are precisely in point. By a majority of 75 in one session, the precedent stands recorded upon the journals of the House of Commons. By a majority of 38 in another session, the thing itself is put an end to. Thus they reaped the double advantage, first of involving the Minister, and secondly of seeing him in a minority. But do you think they will ever allow the resolution to be rescinded? Although I firmly believe, that, with their utmost exertions, they would not have been able to carry a question in favour of the scrutiny, yet it does not appear to me, considering the danger of such a proceeding, and the little prospect of its success, that its continuance was an object with them. But the precedent is every thing. Rescind the precedent, and you restore the dignity of parliament. They have a double interest in keeping it upon the journals, and depend upon it, will most cordially cooperate with the Minister in preserving the record of his own shame, of his enmity to the constitution, of the degraded authority and lost consequence of the House of Commons.

The situation of Mr. Pitt was lucky in another respect. With a plan of reform
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in his pocket, committed to the country upon it in every shape, acknowledging, professing, enforcing with his utmost power the notion that the state of representation in this country is radically defective; that its true principles ought to be resorted to and restored, what could be half so ridiculous as obliging him, in the teeth of the existing laws, to deprive twelve thousand of the small and limited number of electors, whom the disfranchising statute of Henry VI. had spared, of the very privilege which he had engaged to obtain for the country at large? Sick of virtual representation, he selects the spot in which the right of voting approaches nearer to the old principle which prevailed when virtual representation was not known, and disfranchises its electors for nine months!

SUCH A COMPLICATION of advantages was not to be renounced. Every shape in which this question appeared, was productive of new strength, or new benefits to the system. At first, indeed, some question, and perhaps a little difficulty might have arisen in prevailing upon our hopeful Minister to become the instrument of a proceeding equally below the gallantry of a rival, and the dignity of a gentleman. But it was out of his power to maintain a long contest; and the greater reluctance he might
be

be disposed at first to shew, the more signal would be their victory in the end.

IF THE READER with whom I will venture to say Mr. Pitt is still, in some respects, a popular character, will allow me to hint that uncharitable resentment *may* be harboured in the breast of the most virtuous, and that a thirst for revenge even after the object of enmity lies unarmed and inoffensive at his feet, *may* lurk in the passions of the most generous, I should take the liberty of suggesting to him that there are traits in the disposition of Mr. Pitt which possibly might explain much of that virulent harshness and acrimony which has been displayed on the side of government in the prosecution of this business. I appeal to the justice of every man. Let him examine his own breast, and if he feels within himself a thirst for office to which even a country must be sacrificed, a ravenous appetite for applause, no matter of what kind so long as it is applause, a rooted opinion of his own superlative excellencies, that inward mightiness and bursting pride which approaches to imaginary omnipotence in all exertions of the mental powers, whether for the government of a kingdom or the delivery of a speech,—he will allow that it is natural to hate a competitor whom the misjudging world

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shall

shall presume to rank a hundred degrees beyond himself. The—

—“ *furiis agitatus amor et conscia virtus.*”

The ardent and injured self-love, that is tempered up with wrath, and grief, and shame, and conscious worth, and the maddening sense of violated right, peculiarly belongs to human nature in such a state. Perhaps of all men Mr. Pitt is the least likely to be exempt from it. I profess I should be far from wondering if the hopes of seeing Mr. Fox out of parliament for a few days, had reconciled him at once to all the deformities and dangers of the Westminster scrutiny, and rendered him very far from that *unwilling* instrument of its institution, which his friends are so industriously representing him. Let me tell you it would be a matter of no puerile triumph to our Minister, (supposing the return for Westminster still to be delayed) if the petitioner for Kirkwall should happen to succeed against the sitting member. Neither the joy would be malignant, nor the exultation bovish which should urge him to exclaim upon such an occasion—“ See
 “ what I have done with this formidable
 “ connexion, that lately menaced the
 “ throne itself, and even that power at
 “ which the eyes of eagles have blenched.
 “ I have broken and dispersed their forces,
 “ and have sent the mighty champion
 “ himself

“ himself to the furthest extremity of the
 “ island to search for a seat in parliament.
 “ Even there I have met him, and again
 “ trampled him under my feet !”

Let us advert to the particular circumstances under which the present House of Commons was elected, and we shall find another motive to the scrutiny not without its weight with the nearer connexions of Mr. Pitt. Most of the new members who support his administration *bona fide*, entered that house with all possible prepossessions in his favour, and an equal dislike for his opponent. Living chiefly in the country where they had heard strange stories of his ambition, worse than fables yet have feigned, or fear conceived, what must have been their surprise at finding the same Charles Fox, who had been described to them as a Catiline, a Cromwell, a Firebrand, the Raw-head and Bloody-bones of all old women and men like women in their neighbourhood, the monster that would eat half a dozen charters every morning for his breakfast, covered with victory and with applause, and idolised in the very spot where the greater part of his life has been spent, where all his errors (and no man takes so little pains to conceal them) are known, the scene upon which himself and his adversaries are placed front to front in the face of day, the seat of Majesty and the strong

strong hold of its influence? The whole credit of those gentlemen, to whose invention we are indebted, for some of the most extravagant tales that ever worked upon popular credulity, was at stake. Our new members had heard but little of Mr. Fox except from their representations; and had he been returned for Westminster without a struggle, the cheat had infallibly been detected. When therefore, they could not gain the victory, they were determined to spoil the triumph. We know the rest. For the first sessions most of the country gentlemen were persuaded that Mr. Fox had not polled five hundred good votes in Westminster.

This was a deception of the first consequence to Mr. Pitt; and for these reasons I think it will appear, that so far from being averse to ordering this scrutiny, (as some of his friends are anxious that we should believe) *his own temper and situation, uniting with the views of that faction which has governed this country more or less since the year 62*, were the real causes of its institution.

What can be their object who officiously proclaim that the measure was not Mr. Pitt's, as well as insinuate suggestions too irreverent and too unconstitutional to find a place in these pages even although for the purpose of reprobating and exposing them,
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I am at a loss to conceive; but cannot dismiss the subject without remarking, that such are the fruits of that pernicious and damnable doctrine which is now preached up in opposition to the constant system of former, and not inglorious reigns, and which the dissolution of the last parliament has compleatly established. When the country was represented in its national councils as well as in its parliament; when the men who guided those councils were bold enough, because they were strong enough to advise measures for which they were responsible; before the fashionable distinctions between the *man* and the *minister* had been discovered; the dignity of the Sovereign was preserved, and his sacred name never introduced to screen the folly or the wickedness of his servants, to recommend or to frustrate the adoption of public plans. Too proud to deny their share in those plans they scorned to look for shelter under the protection of private commands, which their public responsibility was a pledge for their refusing to receive. Had it pleased heaven that we should still have preserved our ascendancy over neighbouring nations, this WHIG SYSTEM which has grown with our growth and strengthened with our strength, still would have flourished
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among us. "But that with other pleasing prospects, is long since vanished!"

How Mr. William Pitt, after the invectives which we have the benefit of hearing every day against ministers whom it has pleased him to suppose were at the head of councils which they were not suffered to direct, should hit upon the very excuse, which according to him contains in itself the completest condemnation, for the most daring infraction of our laws that has happened since the reign of James II;—how this towering Minister, who so lately looked in the face, thirteen majorities of the House of Commons, any one of which would have overthrown the stoutest of his predecessors,—can now condescend to tell the world—*I abominate this measure, but persist in it because I am ordered*—is inexplicable to every man who gave him credit for his father's virtues: for that greatness of soul which made the *name* of Pitt glorious until his death, and spread a dignity even around his faults. Oppression is odious enough in itself without being deprived of its only resemblance to justice. A bold and manly vindication of the Westminster Scrutiny in all places, not a bouncing period or two in the House of Commons with the shallow recantation of his friends as soon as they get an inch beyond its walls, is all that is left to save him from being
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considered as the most despicable tool that ever drudged through the dirty work of party. But, however a sense of shame, or the general disapprobation of his country may now dispose him to palliate or to qualify, the deed is done, and we remember a day when all the strength of his administration was exerted in its favour; when in the different divisions upon this question, he carried them all by majorities, double in number to that by which he will be content to loose the question of Reform.* His sincerity *then* was never questioned by his friends. When there was a prospect of a long recess, during which it would be difficult to direct the public attention towards an object of such apparent insignificance as an High Bailiff in a vestry room; when there was an hope either that Mr. Fox by not attending the Scrutiny from which he had so little justice to expect, would suffer himself to be manœuvred out of the return, or that his majority might be got rid of by some means or other before they were again to meet; we heard nothing of these qualms, we saw no backwardness in trampling upon all the precedents and authorities in the annals

* Mr. Pitt declared at the commencement of the present Session, that he should loose the reform by 50, and carry *every other question* by 200!

of

of Parliament. But as soon as it was found that men had recovered from the drunkenness of the moment, that all hopes of success in the measure itself were idle and illusory, and that the principle upon which it was adopted began to sink in the nostrils of mankind, then was it industriously whispered that Mr. Pitt wished to get rid of it, that he had never entered willingly into it, that he suffered himself to be beat:—then was that consummation of infamy alledged for his excuse—*The measure was not his!*

To a Minister who is capable of such an act and of urging such an excuse for it, who will look up with confidence? If the deed were not sufficiently desperate to draw down upon him the just resentment of his country, the confession, that there is a hidden power whose influence overrules our national councils, and forces him into measures destructive to that constitution which he affects to love, but for whose safety he has not manliness enough to risk his place, must awaken us to the sense of a danger infinitely more imminent than any which can arise from his inexperience. Never was our situation so critical. The storm begins already to whistle; and it is not a name that can guide the vessel, or calm the conflicting elements. Wise,
solid,

solid, and salutary measures are expected by the country: let who will be at the head of affairs, he must have a strength of his own to stand upon and to secure their execution. If there exists an influence powerful enough to carry such a question as that which has been discussed, in his teeth,—if, when all appears settled and steady we have still to fear that UNSEEN HAND, red with the sacrifice of so many ministers, and which has plunged us into so many miseries; we must buckle on our armour anew. It is not the establishment of a fourth estate in the constitution, it is not the dangerous encrease of an aristocratic power, it is not the *taking his Majesty prisoner upon his throne, and making him the first slave in his dominions*, (a gaudy phrase without any meaning in it) which an union of good men bound to each other upon fixed principles, and acting with combined force and determined spirit against the little factions and counter-factions which surround the throne, is likely to produce. Such an union, all who wish a firm government, (and never more did we want such a government) are equally called upon to cement. Even the friends of Mr. Pitt, the more unbounded is their partiality, must the more lament to see talents which they justly admire, instead of being employed in that

great national work, to which perhaps too fondly they think him equal, unprofitably wasted in plots and stratagems, in sorry negotiations or treacherous intrigues. To save him even *They* should unite with those whom no unkindness, no momentary peevishness on the part of the people, can wholly disgust from the public service.

F I N I S.

